

ADE DAILY NEWS CLIPS

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School-choice lawyers clash in court filings (Arkansas Democrat-Gazette)

Attorneys in a court battle over a state school-transfer law disagreed Thursday about whether an appeal of a federal judge's decision to label that law unconstitutional should continue since Arkansas legislators have repealed and replaced it.

In briefs requested by the 8th U.S. Circuit Court of Appeals in St. Louis - which is considering whether to overturn the lower court's ruling - an attorney for a group of parents whose children were denied transfer under the old law said the new law hasn't granted his clients the relief they sought in court or remedied constitutional concerns.

"The State of Arkansas will certainly be 'free to return to [its] old ways' absent a resolution of the question by this Court," attorney Jess Askew III of Little Rock wrote in his brief on behalf of the parents.

The Arkansas attorney general's office, defending the Arkansas Board of Education, disagreed, writing that the new law rendered the court's deliberations moot.

A federal judge struck down the Arkansas Public School Choice Act of 1989 in June 2012 after deeming unconstitutional a racial restriction that barred transfers if the percentage of enrollment for the student's race in the new district exceeded that percentage in the student's resident district.

The plaintiffs - whose white children were denied transfers from the Malvern School District to the Magnet Cove School District because of the restriction - sought to have only the race based provision removed from the law.

Finding that he couldn't strike down the race rule independently without disturbing the intent of the law, U.S. District Judge Robert Dawson declared the entire 1989 law unconstitutional. His decision drew appeals from all parties, including the state, which argued that the racial restriction was necessary because of Arkansas' history of desegregation issues.

State lawmakers have since repealed the 1989 law and replaced it with the Arkansas Public School Choice Act of 2013. The new law removes the offending race provision and allows districts to declare an exemption from allowing school-choice transfers if they are "subject to the desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation." It also limits transfers to 3 percent of a district's total enrollment and allows transfers granted under the old law to continue.

The new law's narrower desegregation exemption does not address the plaintiffs' concerns, Askew said.

The "voluntary cessation" of the racial rule in the 1989 law "does not moot the Equal Protection question under longstanding precedent of the United States Supreme Court," he wrote.

"Further, the question of whether the historical racial segregation in public schools in Arkansas permits a race limit on school-district transfers remains a disputed issue that requires binding resolution."

Many of the same districts that denied transfers under the now-stricken racial restriction have sought exemptions under the new law, he wrote.

Twenty-three of the state's 239 districts have declared an exemption, some using court decisions that Askew has called irrelevant to their specific situations, such as the landmark civil-rights case *Brown v. Board of Education of Topeka*.

Although the Malvern and Magnet Cove districts have not declared exemptions, up to 200 parents have sought to transfer their students out of Malvern in the past - more student transfers than would be allowed under the 3 percent limit in the new law, Askew said. And because his clients were denied transfer under the now-unconstitutional law, they can't be "grandfathered in," he wrote.

But Assistant Attorney General Scott Richardson said the new law gives the parents "the relief they sought."

"There is no longer a live case or controversy here," he wrote in his brief. "Plaintiffs sought only to avoid the application of the racial limitations contained in the Public School Choice Act of

1989. The Arkansas General Assembly has given them complete relief by repealing the Public School Choice Act of 1989 and adopting a new school choice law with no racial limitations.

There is nothing left for this Court to do."

Attorneys for two school districts that have intervened in the case agreed with Richardson in their brief. The districts, Camden Fairview and El Dorado, have declared exemptions from allowing transfers under the new law.

Chris Heller, attorney for the Little Rock School District, which joined the case as a "friend of the court," also filed a brief, calling the case moot. He joined attorneys for the intervening districts in asking the appeals court to "vacate" Dawson's original order and end deliberations on the matter.

The Little Rock School District - involved in decades of desegregation litigation with the state and the Pulaski County Special and North Little Rock school districts - also voted to opt out of allowing transfers under the 2013 School Choice Act.

That new law included an April 1 deadline for districts to notify the Arkansas Department of Education of their exemptions from allowing transfers. Because the law was signed by Gov. Mike Beebe on April 16, after the deadline had passed, the Education Department collected exemptions until May 17.

Askew has since filed a separate lawsuit on behalf of a group of Blytheville parents and grandparents, arguing that the district's exemption is not valid because it reported it to the state after the statutory deadline. The Blytheville district has not yet responded to the lawsuit.

Along with Askew, plaintiffs in that case also are represented by attorney Alec Gaines, the husband of Arkansas Democrat-Gazette Assistant Publisher Eliza Gaines.

Area Students Participate In Civil War Documentary (Southwest Times Record)

PARIS — Students from several area schools and universities are not just learning about history; they are preserving it.

Nearly 50 drama and history students from Paris, Subiaco, Scranton, Ozark, Waldron and Cedarville have joined others from the University of the Ozarks in Clarksville, the University of Arkansas at Fort Smith and the University of Central Arkansas in Conway to help make "In the Shadow of the Mountains: Civil War in Arkansas" come alive.

In preparation of the sesquicentennial celebration of a little-known Civil War skirmish in Logan County, filming for a documentary explaining the Battle of Haguewood Prairie was coordinated between Curtis Varnell, site specialist for the Western Arkansas Educational Service Cooperative, and Ray Bertram of "This is Arkansas." A grant from the Arkansas Humanities Council made the re-enactment and documentary possible.

The Battle of Haguewood Prairie occurred on Sept. 27, 1863, as Col. Joseph Shelby and his Confederate troops traveled northward from Arkadelphia and encountered members of Company H of the First Arkansas Infantry, who were supposedly traveling back to Fort Smith from Dardanelle on the Old Military Road after getting ammunition and other supplies.

Varnell said Company H was a newly organized group of Union troops made up of volunteers from Franklin and Johnson counties, and Capt. William Parker camped the group at Haguewood Prairie so that many of the men could visit with their nearby families.

"Along with his cavalry, Shelby had 12 ammunition wagons and two pieces of artillery, which restricted where and how he could travel," Varnell wrote in the Haguewood skirmish listing in the Encyclopedia of Arkansas. "Federal troops were known to be stationed at Dardanelle (Yell County), Clarksville (Johnson County) and Fort Smith (Sebastian County)."

Thinking he would avoid the Union forces, Shelby directed his troops toward Roseville, a farm community on the Arkansas River with a river crossing and ferry.

Capt. "Tuck" Thorpe, instructed by Shelby to attack any group he encountered, was surprised to find the Union forces and gunfire ensued. Shelby and more troops rushed in, pushing the Union troops back into the timber during the two-hour skirmish. Some of the Union troops had family members with them, including Isaac Plumley, who was traveling with his wife and three young daughters, all of whom were taken prisoner by Shelby's men.

As students studied lines and selected period costumes at the historic American Legion Hut outside of Paris on Monday morning, Little Rock-based videographer Bob Sandufer, along with UCA film student Mike Johnson and Shane Engebrecht of the Winthrop Rockefeller Institute, set up cameras and lighting to film the students as they shared information about the characters they would portray from the Civil War battle.

"This is something they'll remember for the rest of their lives," explained Varnell, who researched the Battle of Haguewood Prairie and determined its location about one mile east of downtown Paris. "All of us remember things better when we do it."

Bristol Chilton of Midway, who portrayed Shelby, said it was interesting how researching his character gave him insight into the future general's personality traits.

"Getting into the character and learning how his personality affected his actions in the battle ... was interesting," said Chilton, 19, a sophomore studying pre-medicine at the University of the Ozarks in Clarksville. "Gen. Shelby was ... I wouldn't say cocky, but somewhat arrogant; but that just made him more confident."

Morgan Highfield, Jacy Varnell and Sarah Koch portrayed Plumley's daughters, who watched as their father was injured in the battle.

"I know they were prisoners in the battle. They were hiding behind a tree, and they saw their dad get shot, and he was bleeding," explained Highfield, 15, a freshman at Paris High School.

"They were kinda scared. But they got money for him getting shot."

Jacy Varnell, 7, a first-grader at Paris Elementary, enjoyed getting to pick out her dress and thought it was fun to dress up and be in a movie.

Volunteer Joyce Friddle, who assisted the students in selecting costumes and getting dressed, said the project will help bring attention to how Arkansas — and specifically the Paris area — was a part of Civil War history.

"Getting the kids interested in history is what I love," explained Friddle, with pieces of costumes and props hanging over her forearms. "They're all excited about being in a movie."

Scott County was represented as Patrick Miller, a songwriter and science teacher from Waldron High School, was tasked with composing a song about the battle.

"Under Magazine's shadow they'd ride ... fell on Paris by night ... made camp at old Haguewood Prairie," Miller sang as he strummed his guitar and Sandufer manned the video camera.

Bertram said the production work for the documentary will be completed by the UCA film students, with the finished product ready for airing during the annual Paris Frontier Days Festival slated in October. Varnell said the Haguewood Prairie Battle historic marker will be dedicated during a special ceremony Oct. 5, all in conjunction with the 150th anniversary of the Civil War battle.

CSO goes back to school

As the school year winds down, the musicians of the Conway Symphony Orchestra are winding up a busy month of bringing entertaining and educational music to classrooms across central Arkansas. The CSO in the Classroom program provides a 30-minute session to elementary and middle school music classes at no cost to the school, thanks to support from Conway Regional Health System and a Target Arts in Education grant.

"Conway Regional is very pleased to support the CSO classroom program," said Alan Finley, Conway Regional's Chief Operating Officer. "Encouraging the benefits of classical music toward childhood mental and emotional development is consistent with CRHS's mission and focus on wellness."

Now in its sixth year, the classroom program has reached close to 10,000 students at over 15 public and private/parochial schools, plus homeschool groups and an annual visit to Independent Living Services. Each year, the Conway Symphony offers a choice of two themed lessons, so that students receive a variety of instruction over the course of their time in elementary and middle school. The CSO also provides a curriculum packet to the teacher, with relevant lessons and student activities.

This year, the Music from Around the World program brings music from Canada, Peru, Brazil, Australia, the UK, France, Norway, Spain, the Czech Republic, Russia, Nigeria, South Africa, China, and Taiwan, with pieces by Mozart, Bartok, Beethoven, and Arkansas Folk. The Music of the People program includes pieces by Haydn, Bartok, Dvorak, Joplin, and Mr. Traditional (American Folk). From the end of April through the final day of school in May, the musicians are visiting schools in Conway, Greenbrier, Mount Vernon/Enola, Perryville, and Mayflower, with a summer visit planned to the Laman Library in North Little Rock.

"We're excited to see this program expand since its pilot year in 2008," notes Israel Getzov, artistic director of the Conway Symphony Orchestra. "It's been a great way to introduce students to classical music in a way that's fun for them, and for our professional musicians."

Now in its 28th season, the Conway Symphony Orchestra brings professional concerts, exciting guest artists and high-quality music to the Central Arkansas community. For more information on concerts and other programs, visit ConwaySymphony.org or call 501-269-1066.

Plans Outlined For Moving Freshmen To High School

FAYETTEVILLE — A series of meetings with teachers and parents will begin later this year as work begins to move freshmen to Fayetteville High School in 2015, according to a timetable laid out for the School Board on Thursday.

A similar timetable also was presented to the School Board to move seventh-graders from middle schools to the junior high schools at the time same time.

Two committees of teachers, district personnel and parents have worked on the plans since the first of the year. Construction at Fayetteville High School is scheduled to be completed by the time school starts in 2015.

Steve Jacoby, high school principal, said the committee worked from the premise 700 freshmen will move to the high school. They will be divided between two small learning communities for freshmen only which will be a mix of students from Ramay and Woodland junior high schools.

Athletic programs should remain essentially the same, the committee recommended, with two freshmen boys and two girls basketball teams and two freshmen football teams. Players for each team will be determined by the attendance zone they live in.

Freshmen also will have representation on the Student Council and will have the opportunity to participate in student organizations.

And, there should be two freshmen bands with opportunities for them to participate in the 10-12th grade band.

There was no recommendation on handling the lunch period.

"Most important is to lower the anxiety level of teachers, parents and students," Jacoby told the board. "It's really important for all the stakeholders to have an understanding of the transition plan."

Over the next two years, nearly 40 meetings are planned with faculty parents, parent organizations, students and community members. The committee agreed it was important to get as much information to the community as possible, Jacoby said.

A similar plan for seventh-graders was outlined by Kay Jacoby, executive director of curriculum and instruction. The transition plan is to incorporate the middle level concept of education into seventh and eighth grade programs and to remove the words "junior high" from the Ramay and Woodland names.

Instead, the committee recommended the schools be renamed Ramay Upper Middle School and Woodland Upper Middle School. The current three middle schools should be renamed Holt

Lower Middle School, McNair Lower Middle School and Owl Creek Lower Middle School.

Kay Jacoby said the seventh-grade committee suggested public meetings be held together for the ninth, seventh and fifth grade transitions.

Staffing is of particular concern, the board was told. Teachers will want to know as soon as they can where they will be teaching in the 2015-16 school year. Both plans recommended the human resources department handle the staffing at the schools.

Steve Jacoby said the high school may need as many as 45 more teachers to accommodate freshmen.

Kay Jacoby said the seventh grade plan suggests interviews with teachers be done in the coming school year with a staffing recommendation of the middle level schools going to the superintendent in April 2014 to give teachers as much time as possible to prepare for their new assignments. Some teachers already are working on additional certifications to be ready for any new assignment.

The three general areas certification are kindergarten through sixth grade; fourth through eighth grade; and seventh through 12th grade, according to Greg Mones, human resources director.

Kay Jacoby said the seventh grade committee expressed concern some teachers could be displaced in the shifting of grades.

"Our thinking is that there won't be any displacement. This is not about reducing the number of teachers," she said.

Sequestration Deals Heavy Blow to Arkansas Education Funding (KARK, Channel 4)

LITTLE ROCK, AR (News Release) - Arkansas is starting to feel the effects of the sequester, or sequestration; cuts in federal spending that went into effect on March 1. According to new figures from the United States Department of Education, cuts to education programs in Arkansas will total \$18.5 million in 2013. Other estimates are almost \$1 million higher. What's worse is that most of the programs being cut are those designed to help low-income students.

Title 1 funding - money aimed at improving the academic achievement of disadvantaged students - will be the hardest hit, taking a cut of more than \$9.6 million. Other programs like education for homeless youth, language acquisition grants, and special education will see significant reductions as well.

These federal cuts come at a time when per-student funding for state programs that help low-income students, also known as NSLA funding, did not increase at all in the last legislative session, even though the need has grown. When programs are flat-funded in this way, they are actually falling behind. This is because program expenses increase with the cost of living, but funding does not. Legislators did not provide a cost of living increase for state NSLA funds for next year because of concerns about how the funds are being used by school districts and the failure to reduce the achievement gap between low-income students and their peers.

"It really is sad to see these cuts go into effect," says Rich Huddleston, executive director of Arkansas Advocates for Children and Families (AACF). "A lot of these programs benefit children from lower-income families and they really need more funding, not less. A budget is a set of priorities, and we need to prioritize the education of our children."

Jerri Derlikowski, AACF's director of education policy and finance, says the use of state funding for programs to reduce the achievement gap between poor students and their more affluent counterparts is more critical now than ever.

"We need to narrow the use of NSLA funds to programs that are evidence-based," she says, "programs that target the academic needs of low-income students. With these cuts to our federal education dollars, it is even more important to assure the most effective and efficient use of state NSLA funding."

The early childhood education program Head Start has also had to make cutbacks after a reduction in federal funding. Some programs have decided to close early for the summer. That means families will have to find other ways to care for and feed their children during those days. Other programs are reducing enrollment, instituting staff furloughs, or only making emergency purchases. Nationwide, 70,000 fewer children will be able to attend Head Start programs as a result of the cuts.

Ex-teacher accused of sex assault (Arkansas Democrat-Gazette)

A former Crossett High School agriculture teacher is facing sexual-assault charges after an Arkansas State Police investigation.

Amanda Leigh Reilly, 31, faces two counts of second-degree sexual assault and one count of solicitation of first-degree sexual assault, according to court documents from Prosecuting Attorney Thomas Deen's office in Monticello.

She will have her first appearance and be formally charged June 24 in Hamburg.

Crossett School Board President Glenn McIntyre said Thursday that the board accepted Reilly's resignation May 13 but declined to comment further.

A number for Reilly, who now lives in Greenbrier, could not be located. She had no attorney on file as of Thursday, according to the Ashley County circuit clerk's office.

An Arkansas State Police report dated April 22 said officials at Crossett High School were alerted by the parents of a 16-year-old male about "inappropriate" text messages between their son and Reilly "regarding hugging," and that they "were concerned for his safety."

When confronted about the allegations by Crossett School District Superintendent Tommy Tyler and Crossett High School Principal Alicia Brown, Reilly denied inappropriate conduct with the student, the state police report said.

On April 3, the student's mother told state police investigators that her son was noticeably upset, saying to his mother that Reilly "won't leave me alone with these text messages," the report said.

When the student's mother asked if he and his teacher had sex, "he started crying and told her that he hasn't had sex with her. He told her that he kissed [Reilly] one time, and that she had touched him in his private area," according to the report.

The student then told investigators that "sometime in February while at [Reilly's] house, she put her hand inside of his pants ... and he put his hand inside her shirt and touched her breast," the report said.

Further, the boy said that while at the teacher's house during spring break, "she touched his [groin] on the outside of his clothes and then asked him [if she could perform oral sex]. When he told her no, she got mad at him," according to the report.